

CDOT DTR Subrecipient DBE Reporting

Katherine Williams

Civil Rights & Business Resource Center

(303)757-9162

katherine.williams@state.co.us

What is a DBE?

Disadvantaged Business Enterprise (26.5):

- Small business concern owned and controlled by socially and economically disadvantaged individual(s)
- Certified by CDOT or the City and County of Denver – See [**www.coloradodbe.org**](http://www.coloradodbe.org)

- **Small Business Concern:**

- meets SBA size standard for North American Industry Classification System code, capped at \$22.41 million avg gross receipts

- **Socially Disadvantaged (26.5):**

- Presumed: black, hispanic, native, asian-pacific, and subcontinent-asian americans and women.
 - All others eligible but must prove disadvantaged

- **Economically Disadvantaged:**

- Net worth less than \$1.32 million not including home and business

Goals of the Program: 26.1

Ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;

Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;

Ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;

Ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;

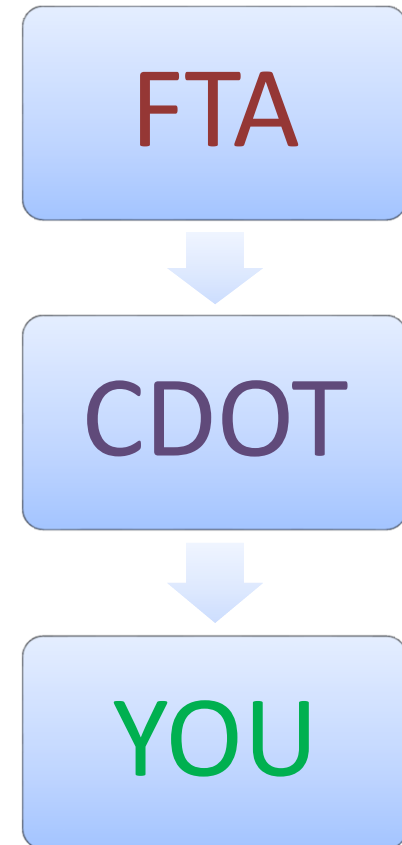
Help remove barriers to the participation of DBEs in DOT-assisted contracts;

Assist the development of firms that can compete successfully in the marketplace outside the DBE program; and

Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Why We Are Here

- **Implementation of the DBE Program is a condition of financial assistance from the USDOT**
- **Governed by 49 CFR Part 26**
- **CDOT is a direct recipient with a DOT-approved DBE plan**
- **We must monitor and report on the compliance of its subrecipients**
- **Our FTA subrecipient program is “race-neutral” with an overall goal of 4% which we must reach**
- **Subrecipients must:**
 - **Reach out to DBEs to participate**
 - **Ensure non-discrimination**
 - **Monitor and report DBE Participation**



Your Responsibilities

NON-DISCRIMINATION (26.7)

You must never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this part on the basis of race, color, sex, or national origin.

In administering your DBE program, you must not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

YOUR RESPONSIBILITIES CONT.

CONTRACT PROVISIONS

Nondiscrimination (26.13)

Each contract you sign with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Prompt Pay and Retainage (26.29)

YOUR RESPONSIBILITIES CONT.

TRACK PARTICIPATION AND REPORT

SEMI-ANNUALLY TO CDOT

- **Awards/Commitments**
- **Participation on Ongoing Contracts**
 - **Actual Payments**

CDOT has created a survey for reporting.

Reports are due to CDOT May 1st and Nov 1st

What if I direct report?

- 1. Are you required to direct report?**
- 2. Do you have an approved program?**
- 3. Does your program cover FTA funds?**
- 4. MOU with CDOT?**
- 5. Copy of report to CDOT semi-annually?**

Program Required?

If you are in one of these categories and let DOT-assisted contracts, you must have a DBE program meeting the requirements of this part:

- All FHWA recipients receiving funds authorized by a statute to which this part applies;
- FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year;
- FAA recipients receiving grants for airport planning or development who will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year.

Key Questions:

Are you a direct recipient from FHWA, FTA or FAA?

If a recipient from FHWA, you must have program.

If direct recipient from FTA/FAA, will you award over \$250,000 in contracts in FTA/FAA funds in a federal fiscal year?

Exclude TV purchase from your calculation

Include federal funds that have been awarded in previous years but will be spent this year.

Direct Report Requirements

- **DBE Program must be up to date**
- **Memorandum of Understanding**
 - Funds will be incorporated in your program execution
 - Will communicate with CDOT
- **Copy of report to CDOT Semi-Annually**